

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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**DECLARATION OF KENNETH M. RUDO IN SUPPORT OF PLAINTIFF CITY
OF NEW YORK'S MOTION FOR LEAVE TO DESIGNATE SUBSTITUTE
EXPERT WITNESS**

I, Kenneth M. Rudo, hereby declare under penalty of perjury:

1. I submit this declaration in support of Plaintiff the City of New York's ("the City") motion for leave to designate substitute expert witness.

2. I am a North Carolina State Environmental Toxicologist responsible for performing human risk assessments for the protection of public health from exposure to chemicals in groundwater, soil and air, including private and public drinking water wells. I have been performing this public service function for my state for over 20 years.

3. I was contacted by counsel for the City this week about serving as an expert in this case and I am willing, able and available to do so.

4. I have reviewed the medical and scientific literature addressing methyl tertiary butyl ether or "MTBE."

5. I am knowledgeable about the toxicity of MTBE and health effects issues related to MTBE.

6. I have served as an expert witness in two cases against ExxonMobil involving MTBE contamination.

7. Attached as Exhibit 1 is a true and correct copy of an expert report, dated June 27, 2007, that I submitted in another matter involving MTBE in which ExxonMobil was a defendant, *Alban et al. v. Exxon et al.*, No. 03-C-06-010932, in the Circuit Court for Baltimore County, Maryland (Hon. Maurice W. Baldwin, Jr.).

8. Attached as Exhibit 2 is a true and correct copy of an excerpt of the transcript of my deposition in the *Alban* case, at which I was deposed by William Stack, counsel for ExxonMobil.

9. Attached as Exhibit 3 is a true and correct copy of an excerpt of the transcript of my direct testimony at trial on October 21, 2008 in the *Alban* case, during which William Stack, counsel for ExxonMobil was present.

10. Attached as Exhibit 4 is a true and correct copy of an excerpt of the transcript of my testimony at trial on October 22, 2008 in the *Alban* case, at which I was subject to cross examination by William Stack, counsel for ExxonMobil.

11. Attached as Exhibit 5 is a true and correct copy of an excerpt of the transcript of my testimony at trial on October 23, 2008 in the *Alban* case, at which I was subject to cross examination by William Stack, counsel for ExxonMobil.

12. Attached as Exhibit 6 is a draft of a report I am able and willing to submit in this case, should the Court permit me to do so. This report encompasses the opinions I am able and willing to offer in this case. My opinions today are the same as they were in the *Alban* case,

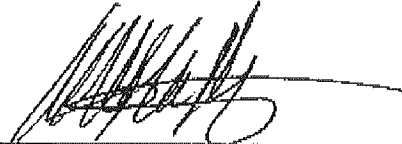
and, if permitted to testify, I have no intention of offering any opinions that are different from or additional to the opinions to which I attested in *Alban*.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

Chapel Hill, North Carolina

8/13/09

A handwritten signature in black ink, appearing to read 'Kenneth M. Rudo', written over a horizontal line.

Kenneth M. Rudo